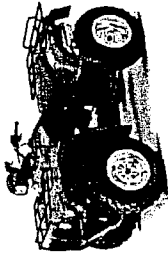


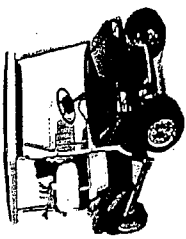
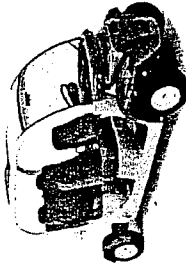
Off Road Recreational Vehicle (ATV)



This is a motor vehicle that is designed primarily for recreational non-highway all terrain travel. It has 3 or more low pressure tires, a seat, and handlebars. It is permitted on private property with no legal requirements except DUI, reckless driving and accidents. To operate on the roadway the driver and vehicle must meet all other requirements such as registration, drivers license, and insurance and obey all applicable traffic laws. If the ATV has three wheels the driver must have a class "M" endorsement on his driver's license. An Off-road plate is available, however, a street legal registration is required for roadway use.

Laws governing these are found in:  
ARS 28-101.3  
ARS 28-964

Neighborhood Electric Vehicle / Golf Cart

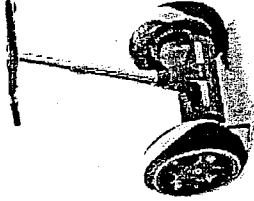


A golf cart is a motor vehicle with not less than 3 wheels capable of a speed no greater than 25 MPH and carries no more than 4 people including the driver. On private property such as golf courses, no requirements are needed including crossing the roadway incident to golf play.

A neighborhood electric vehicle must be emission free, carry 4 or fewer persons, operate at less than 25-MPH, and have 4 wheels. It shall not be operated on a roadway posted at more than 35-MPH, except to cross such a road. Both must be registered and insured and the driver must be licensed if operated on the roadway.

Laws governing these are found in:  
ARS 28-101.23  
ARS 28-2153  
28-966

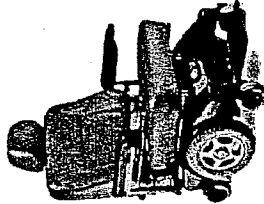
Electric Mobility Device (SEGWAY®)



This is a self-balancing two non-tandem wheeled device with a motor and maximum speed of 15 MPH capable of transporting only one person. This vehicle may only transport one person and travel as a pedestrian would travel. Must follow laws regarding pedestrian duties. It has no registration or insurance requirements and can travel on private property, sidewalks and crosswalks.

Laws governing these are found in:  
ARS 28-101.20

Motorized Wheelchair



This is a self-propelled wheelchair that is used by a person for mobility. May transport one person, as a pedestrian would travel. It is permitted on private property, sidewalks and crosswalks. Must follow laws regarding pedestrian duties. They have no registration or insurance requirements.

Laws governing these are found in:  
ARS 28-101.20

Fines for violations outlined in this brochure can range from \$80 up to \$585.50!

This information is courtesy of the Mesa Police Department's Traffic Division.

Any questions can be answered by calling:  
(480) 644-3533



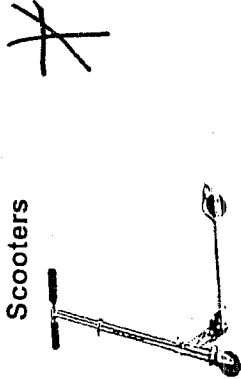
# Transportation Devices and the Rules Governing Their Use



City of Mesa Police Department  
[www.cityofmesa.org/police](http://www.cityofmesa.org/police)

The City of Mesa Police Department wants to keep you informed on the rules of the road governing the following types of transportation devices.

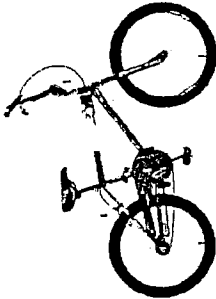
Scooters



Children commonly use these human powered devices. Operators must follow the same rules of the road as pedestrians. The riders are subject to traffic control signals at intersections, crosswalk rules, must use sidewalks when available, and ride facing traffic when no sidewalks. It is legal to ride them on private property, sidewalks or crosswalks.

Laws governing these are found under:  
ARS 28-101.38  
ARS 28-791  
ARS 28-796

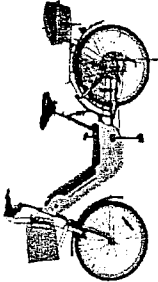
Bicycles



These are vehicles with 3 or fewer wheels, human powered and also include racing wheelchairs. At nighttime, bicycles must have a white light to the front and red reflector on rear. Its legal to ride these on the roadway however, you must ride on the right side and obey all traffic laws.

Laws governing these are found under:  
ARS 28-101.6  
ARS 28-817  
ARS 28-815C

Moped



This is a bicycle that is equipped with a helper motor. It must have pedals and be capable of operating as a bicycle. Maximum speed is 25 MPH. When motor is engaged, operators must have a driver's license, registration (\$5.00 decal from MVD) and insurance. It may drive on the roadway but not in bike paths when motor is engaged and must obey all traffic laws.

Laws governing these are found under:  
ARS 28-101.28  
ARS 28-2513  
ARS 28-4135

Motorized Skateboards



These are self-propelled devices that have a motor, deck and 2 tandem wheels (one in front of the other) in contact with the ground. Although not a motor vehicle, (No driver's license, registration or insurance required) motorized skateboard riders must obey all traffic laws in addition to City Codes that restrict their operation.

According to Mesa City Code 10-1-18, **NOBODY** under 14 years-old may operate this vehicle on the roadway. It can not be operated on sidewalks or on a roadway with a speed limit greater than 30 MPH, and must be operated during the daylight hours of 7 AM – 8 PM. Carrying of passengers & packages are prohibited. Notarized written permission from parents of 14 to 18 year olds. All riders must use eye protection and a helmet is required for drivers under the age of 18. All traffic laws apply.

Laws governing these are found under:  
ARS 28-101.30  
ARS 28-904  
ARS 28-101.52  
City Code 10-1-18

Motor Driven Cycles / Pocket Bikes

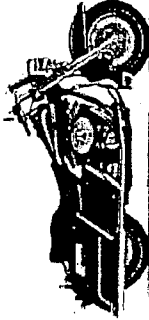


These are motorcycles, including a motor scooter with a motor that produces not more than 5 horsepower. If driven on private property there are no license requirements however DUI, accidents and reckless driving laws apply. On roadway, these cycles and operators must meet all the requirements of a motorcycle including registration, driver's license "M" endorsement, insurance, and eye protection. Helmets are required on riders under 18 years. These vehicles are not authorized for freeway use and must be driven on private property unless rider meets all above

motorcycle requirements. All traffic laws must be obeyed. Laws governing these are found under:

ARS 28-101.29  
ARS 22-101-32  
ARS 28-3151.A  
ARS 28-964  
ARS 28-733

Motor Cycles



These are motor vehicles that have a seat or saddle for the use of the rider and are designed to travel with not more than three wheels in contact with the ground. Riders must have valid drivers license with motorcycle (M) endorsement, registration, insurance and eye protection. Riders under the age of 18 must wear a helmet. Motorcycles are permitted on the roadway and must obey all traffic laws as any other vehicle on the roadway. Splitting traffic in Arizona is illegal.

Laws governing these are found under:  
ARS 28-101-32  
ARS 28-964  
ARS 28-3151.A  
ARS 28-4135.C

## Police Committee Report

Date: February 10, 2005  
To: Police Committee  
Through: Mike Hutchinson, City Manager  
From: Dennis L. Donna, Police Chief *JD*  
Subject: Police Department Response to Loud Party and Noise Complaints

### Purpose

The purpose of this report is to inform the City Council how the Mesa Police Department responds to loud party and noise complaints. The report provides information on how other cities respond to the problem and suggests alternative strategies to address the problem.

### Background

The Mesa Police Department responded to 8,811 reported loud party and noise complaints in 2003, and 9,673 calls in 2004. This is a 9.8% increase over the last year in these types of calls. This represents about 2% of all calls for service handled by the police department.

When a call is received by the Police Department the operator identifies the problem as a loud party or nuisance noise. A complaining party willing to prosecute and identify themselves is necessary so the police officer responding can take police action. A person cannot be cited for disturbing the peace unless there is a victim willing to prosecute. The police officer cannot be the victim in this type of circumstance. In a majority of these calls (about 80%), the reporting party does not want to be identified or involved. Most callers request to remain anonymous with this type of incident because of the fear of reprisals from the neighbors.

When a call comes into the police about a noise disturbance resulting from a party, the operator asks if alcohol or drugs are involved and how many people are there, then initiates a call for service, although priorities vary. A large party with alcohol or drugs will frequently be prioritized as a *priority 2* call (30 minutes to dispatch). If there is any fight or argument going on at the time, it becomes a *priority 1* call (dispatched in two minutes) because it has become more of a "subjects" disturbing call rather than a "noise" disturbance issue. With the large gathering or party calls, the operator will ask the caller if they are willing to state their name, address, and phone number, and if officer contact is requested.

The Mesa Police Department Supplemental Manual, Large Parties/Noise Disturbances 09.1100-1103, addresses these issues, stating:

Most repeated reports of large parties and noise disturbances will require a contact with a complainant for police action to be taken (unless alcohol, drugs, fights are involved).

Responses to loud music/television calls shall not be entered unless the reporting party is willing to leave their name and be contacted by Patrol or there are multiple calls (more than one) received on the same incident. This would not include a large gathering of people.

When a noise disturbance call is received and it is determined that entering (or opening) a case is not necessary, the operator will send a broadcast message alerting other operators of the address and type of complaint, then if another call is received on the same incident, a case will be entered.

The supplemental policy was modified several years ago to require complainants to provide their names when the Police Department found that a high number of nuisance noise calls were from citizens (then not giving their names) who were using the system and the officers to harass their neighbors. What was frequently "loud" to one was not heard by responding Patrol units or other neighbors. Officers were then put in a position of knocking on the door of the "suspect" and disturbing them with no actual "victim" available since the complainant had not provided a name. Unless Patrol had a complainant, there was little for the responding officer to do. Frequently in these cases, the caller would keep making requests for a response and there really was not a noise problem when the officer arrived.

Although this may sound like the police are making it difficult for citizens to receive service that is not the intent. The intent of the policy is to differentiate between a **noise disturbance** (large gatherings or parties) and **nuisance noise** (from a radio, stereo or TV).

The courts need a victim to show the noise disturbed their peace. It is better when more than one neighbor complains and agrees to join together to prosecute the offending party, as the courts then look at the matter as a true problem of multiple neighbors being disturbed. Issuing a citation alleging the ordinance violation is often not used. Citing is a last resort. However, when there are multiple neighbors complaining and the offending neighbor is not complying with police requests to keep noise down, then officers will cite, as long as there are victims willing to prosecute.

Officers are dispatched to break up large parties when circumstances as noted previously occur (alcohol, drugs, and fighting). They also break up large parties involving groups of juveniles, (usually occurring when parents are not home), when there is underage drinking, and neighbors are willing to prosecute for noise. Officers can also investigate possible liquor law violations by these juveniles.

The City of Mesa Code states under Section 6-12-6: PROHIBITED NOISES:

The following activities shall be prohibited within the corporate limits of the City: (2034): (A) radios, phonographs, television, musical instruments, or other similar device between the hours of 10 p.m. of one day and 7 a.m. of the following day in such a manner so as to create an offensive or excessive noise plainly audible at a distance of 50 feet from the building, structure, or property in or on which it is located. Only (A) pertains to this document.

Patrol Officers generally handle a standard noise complaint of one neighbor giving their name complaining against another with one stop and the contact is made with the complainant and offending neighbor. The offending party is then cited if the complaining party is willing to prosecute. Some noise complaint calls are cleared by dispatch (With a supervisor's permission) when an officer is not sent to the location. This happens when:

- A call is received from a person who will not give their name, or
- Is called in as crime check.
- Only one call is received of a noise complaint with,
- Limited information and
- No indication of violence,
- To an area where officers are dispatched frequently but unable to locate activity by arrival time.
- The case is cleared and documented with disposition code 11. (See attached policy FLD 1315).

Without a citizen whose peace was disturbed an officer cannot prove the case in court. To issue a citation to a person for disorderly conduct, an officer has to show the person **intended to disturb the peace** or quiet of a neighborhood, family or person, or with **knowledge** of doing so, such person:

1. Engages in fighting, violent or seriously disruptive behavior; or
2. Makes unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or
5. Refuses to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard or any other emergency; or
6. Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.

Disorderly conduct under, paragraph 6 is a class 6 felony. Disorderly conduct under subsection A, paragraph 1, 2, 3, 4 or 5 is a class 1 misdemeanor. In lieu of a cite and release, an officer may make a physical arrest and book the suspect into jail.

### Policies in other cities

The City of Tempe and Phoenix have their own city ordinances that hold the owner of the property or the person having a party, which disturbs the neighborhood, responsible for the costs of responding to the call. The owner or the responsible person has to be given notice they will be responsible for these costs if the officers have to respond to that location again within 90 days. This is not a fine, it is a fee charged to the property owner or responsible party.


### **Alternatives**


We are prepared to explore the following alternatives and bring them back to the Police Committee for consideration or initiate action on a combination of these.

Strengthen the City ordinance. We can include language in our ordinance similar to Tempe or Phoenix. We can continue our research to seek innovative solutions that also might be included in the ordinance.

Adopt a zero tolerance enforcement policy. Where a person is willing to prosecute under our ordinance or the disorderly conduct statute, we can adopt a zero tolerance policy, wherein officers cite on the first visit to such a complaint.

Develop an education program addressing noise complaints. Included in this could be pamphlets explaining the ordinance and expectations of behavior, public service announcements and neighborhood contacts, where the policy and ordinance is made known.

  
Dennis L. Donna, Police Chief

  
Mike Hutchinson, City Manager

## **Addendum A Tempe City Code**

### **Sec. 5-32. Recovery of costs for police services.**

(a) When any police officer responds to any large party, gathering or event and that police officer determines that there is a threat to the public peace, health, safety or general welfare, the police officer shall issue a written notice to any responsible party that a second or subsequent response to any large party, gathering or event at that same location or address within ninety (90) days of the first response shall be deemed a special security assignment rendered to provide security and order on behalf of the large party, gathering or event, and that any responsible party may be liable for a police service fee for such special security assignment. The return call, or second or subsequent response, may also result in the arrest or citation of violators of state law or city ordinances.

(b) If, after written notice provided in subsection (a), a second or subsequent police response or responses is necessary to the same location or address within ninety (90) days of the first response, such response shall be deemed a special security assignment and subject to police service fee as provided in this article.

(Ord. No. 94.29, 12-8-94; Ord. No. 2003.29, 10-30-03)

<http://www.tempe.gov/citycode/05Amusements.htm>

## Addendum B Phoenix City Code

### Sec. 2-45.1. Recovery of costs at events requiring second response by police.

A. If a police officer responds to a party, gathering or event at a residential property and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, any person who is responsible for the party, gathering or event is liable for the reasonable costs of a second or subsequent response by the police to that incident or for a response to the same location for another party, gathering or event within sixty days. A person is not liable for costs under this section unless issued a written warning that a second or subsequent police response within sixty days will result in liability for the reasonable costs of the second or subsequent response.

B. The costs of a second or subsequent response by the police shall be a charge against any person who is responsible for the party, gathering or event under this section. The charge constitutes a debt of that person and is collectible by the City in the same manner as in the case of an obligation under a contract. Costs imposed under this section are due and payable upon the expiration of the period to request a hearing under subsection E or upon notice of the hearing officer's decision if a hearing is requested. The liability imposed by this section is in addition to any liability otherwise imposed by the law.

C. In no event shall a person's liability under this section for the costs of a second or subsequent response by the police exceed one thousand dollars for each incident. The costs of a second or subsequent response shall be waived if any person who is responsible for the party, gathering or event initiates a request for a police response and assists the police in dispersing persons attending the party, gathering or event.

D. For purposes of this section, unless the context otherwise requires:

1. *Reasonable costs* includes the salaries of the responding police officers, at the salary then in effect for each classification of each individual officer, for the amount of time actually spent in responding to or remaining at the party, gathering or event; appropriate overhead; the actual cost of any medical treatment to injured officers; and the cost of repairing any damaged City equipment or property.

2. *Party, gathering or event* means a group of five or more persons who have assembled or are assembling in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to underage persons, fights, disturbances of the peace and litter.



3. *Person who is responsible for the party, gathering or event* means any person in actual or lawful control or possession of the premises, and any person who organized the party, gathering, or event. If two or more persons are responsible for the party, gathering or event such persons shall be jointly and severally liable for the reasonable costs of a second or subsequent response. If the person responsible for the party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the reasonable costs of a second or subsequent response.

E. Hearing procedures.

1. A person liable for the costs of a police response under this section may, within ten days of receipt of notice of the costs imposed request a hearing with a hearing officer designated by the City Manager.

2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.

3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police response and the reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of evidence that the costs of the police response should be imposed and that the amount is reasonable under the circumstances.

4. The decision of the Hearing Officer is final. A failure of the person charged with the costs of a police response to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.